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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

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11 Tommy Stewart,

12 Plaintiff,

13 v.

14 State of Nevada,

15 Defendant.  
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Case No. 2:21-cv-01210-GMN-BNW

**REPORT AND RECOMMENDATION**

17 On July 2, 2021, the Court entered an order requiring Plaintiff to file an application to  
18 proceed *in forma pauperis* or to pay the filing fee in this case. ECF No. 3. The Court also ordered  
19 Plaintiff to file a complaint. *Id.* Plaintiff's deadline for taking these actions was July 22, 2021. *Id.*  
20 The Court noted that a failure to comply with the Court's order would result in a recommendation  
21 that this case be dismissed. *Id.* Plaintiff did not comply with this Court's order or otherwise take  
22 any action in this case. Accordingly, it appears Plaintiff abandoned his case.

23 IT IS THEREFORE RECOMMENDED that Plaintiff's case be dismissed without  
24 prejudice.

25 **NOTICE**

26 This report and recommendation is submitted to the United States district judge assigned  
27 to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation  
28 may file a written objection supported by points and authorities within fourteen days of being

1 served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely  
2 objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153,  
3 1157 (9th Cir. 1991).

4 DATED: August 9, 2021.

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7 BREND A WEKSLER  
8 UNITED STATES MAGISTRATE JUDGE  
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